

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING HELD ON
TUESDAY, JUNE 25, 2019 AT 4:00 P.M. IN THE CITY COUNCIL CHAMBERS**

MAYOR: Tonita Gurulé-Girón

COUNCILORS: David G. Romero
Barbara A. Casey
Vincent Howell
David A. Ulibarri, Jr.

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Danielle Sena, Recorder
Esther Garduno Montoya, City Attorney
David T. Bibb III, Chief of Police

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Howell was thankful for the beautiful weather we've been having and asked to please help them do the right thing and for the guidance to be focused for the community.

Mayor Tonita Gurulé-Girón thanked everyone for being there.

APPROVAL OF AGENDA

Councilor Romero made a motion to move Item 8 executive session right after public input. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr,	Yes	David G. Romero	Yes
Vincent Howell	Yes	Barbara Casey	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

Councilor Casey made a motion to approve the agenda as amended. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

PUBLIC INPUT

There was no public input.

EXECUTIVE SESSION

Councilor Romero made a motion to convene into executive session for the purpose of discussing personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978, pertaining to the rehire for the Chief of Police and City Attorney. Councilor Casey seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	Barbara Casey	Yes
David A. Ulibarri, Jr.	Yes	David G. Romero	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

Councilor Romero made a motion to reconvene into regular session after being in executive session to discuss personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978, pertaining to the

rehire for the Chief of Police and City Attorney and advised only those items were discussed. Councilor Casey and Councilor Howell both seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara Casey	Yes
Vincent Howell	Yes	David G. Romero	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

BUSINESS ITEMS

1. Continuation of professional service contract with Chief of Police, David T. Bibb effective July 1, 2019.

Contracted Attorney Danelle Smith advised the contract would be a continuation of the Chief of Police current contract and proposed the contract be continued until the date of the Organizational meeting after the 2020 election. Contracted Attorney Smith advised under the rules of the charter, the new Mayor has the right to appoint all the four charter officers. Contracted Attorney Smith advised in terms of compensation the suggested amount is \$78,000.

Councilor Casey made a motion to continue the professional service contract with Chief of Police, David T. Bibb at the \$78,000 per annual amount. Councilor Howell and Councilor Ulibarri, Jr., both seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

2. Continuation of professional service contract with City Attorney, Esther Garduno-Montoya effective July 1, 2019.

Contracted Attorney Danelle Smith advised suggesting continuing the contract for the same term until the date of the next Organizational meeting after the 2020 election and in terms of compensation was proposed in the amount of \$105,000.

Councilor Romero asked about the consensus and his concerns in the past and advised for the record Contracted Attorney Smith give her definition of consensus.

Contracted Attorney Smith stated, "When I was in house City Attorney, there were times when the City Council would direct me or ask me to start researching some particular issue."

Contracted Attorney Smith advised several years ago when she was assisting the City in terms of the City Attorney contract she wanted a clause in the contract.

Contracted Attorney Smith stated, "I wanted it to be clear that City Councilors did not have the ability to come to me individually and direct me to start doing work on some particular project."

Discussion took place regarding issues that arise at council meetings but the City Attorney doesn't know the answer because she didn't know the issue would come up.

Contracted Attorney Smith advised she suggested the language and stated, "To give the City Attorney one direction that individual City Councilors cannot go to her and give her direction to start taking a look at some issue."

Contracted Attorney Smith stated, "During an open meeting it is clear there is an unclear issue that she cannot give an opinion about because she was not advised in advance that the issue was going to come up and by simple logic she would know that she needs to take a look at the issue so that the next time it comes up she will have an answer for the City Council."

Contracted Attorney Smith stated, "That to me is what the meaning of consensus provision is."

Mayor Gurulé-Girón asked if it is for legal opinions.

Contracted Attorney Smith advised it is for legal opinions.

Councilor Romero advised, "When an agenda item comes up and there is legal concern that she is not aware of, one person dissents and the rest of the council needs an opinion, it shouldn't stop there."

Mayor Gurulé-Girón stated, "Again this is for legal opinions and not direction to take legal action or file judgements, correct?"

Contracted Attorney Smith stated, "Absolutely, and advised it says specifically to seek to obtain counsel as to a specific matter or legal opinion as to matters of city business."

Contracted Attorney Smith stated, "If there was ever a time that the City council was actually going to take action they would have to put it on the agenda and vote on it."

Councilor Ulibarri, Jr., made a motion to continue the professional service contract with the City Attorney, Esther Garduno-Montoya effective July 1, 2019 and Councilor Casey amended the motion to include the salary of \$105,000. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

Councilor Casey advised she appreciated Danelle explaining the consensus and doesn't totally agree with it and doesn't trust that actually happening.

Recorder Danielle Sena re-read the motion and advised that the motion carried.

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Vincent Howell	Yes
David A. Ulibarri, Jr.	Yes	Barbara Casey	Yes

Recorder Danielle Sena re-read the motion and advised that the motion carried.

Tonita Gurulé Girón
Mayor Tonita Gurulé-Girón

ATTEST:

Cassandra Fresquez by DS
Cassandra Fresquez, City Clerk